In the Supreme Court of the United States

OCTOBER TERM, 1972

No. 72-981

ALBERT PIERRO, PETITIONER

v.

UNITED STATES OF AMERICA

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE UNITED STATES IN OPPOSITION

After a jury-waived trial in the United States District Court for the Southern District of New York, petitioner and a co-defendant, Christophe, were convicted of having possessed nearly forty pounds of heroin with intent to distribute, and conspiracy to commit that offense, in violation of 21 U.S.C. 841(a)(1) and 846. Petitioner was sentenced to concurrent prison terms of twenty years. The court of appeals affirmed (Pet. App. 1a-10a).

Petitioner's sole contention in this Court is that the federal agents did not have probable cause to search the

Cadillac car (resulting in the seizure of the contraband heroin) that his co-defendants abandoned after being pursued at high speed by the agents, and that the subsequent search of his house pursuant to a warrant was tainted.[1] The evidence bearing on this claim is fully set forth in the opinion of the court below, which correctly held that the agents did have probable cause and that the seizures were therefore lawful (Pet. App. 3a-7a). We rely upon that opinion.

It is therefore respectfully submitted that the petition for a writ of certiorari should be denied.

ERWIN N. GRISWOLD,
Solicitor General.

FEBRUARY 1973.

[1] Petitioner's trial followed the jury trial conviction of another co-defendant, Panica. Although petitioner was not in the car during the chase or when it was searched, we shall assume *arguendo* that he had standing to challenge the seizure of the contraband which he claims was his.

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